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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996	)	CC Docket No. 96-128

REPLY OF THE AMERICAN PUBLIC COMMUNICATIONS COUNCIL TO COMMENTS ON PETITIONS FOR RECONSIDERATION

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May 13, 2002

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In the Matter of Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996	CC Docket No. 96-128

REPLY OF THE AMERICAN PUBLIC COMMUNICATIONS COUNCIL TO COMMENTS ON PETITIONS FOR RECONSIDERATION

The American Public Communications Council ("APCC"), replies to comments on the petitions for reconsideration of the Commission's Fourth Order on Reconsideration and Order on Remand, FCC 02-22, rel. Jan. 31, 2002 ("*Interim Compensation Order*").

I. The $.009 Interest Cost Element Should be Reinstated

Sprint and AT&T oppose APCC's request for reinstatement in the Interim Period compensation rate of the $.009 interest element prescribed in the *Third Payphone Order*.[1] Sprint brazenly asserts that PSPs are not entitled to the interest element because "there

[1] *Implementation of the Pay Telephone Reclassification and Compensation provisions of the Telecommunications Act of 1996*, Third Report and Order, and Order on Reconsideration of the Second Report and Order, 14 FCC Rcd 2545, 2636 (1999) ("*Third Payphone Order*"). Neither IXC, however, supports the Commission's characterization of the *Third Payphone Order* as "stipulat[ing] that this $0.009 would be removed from the compensation rate for the interim period." *Interim Compensation Order*, 17 FCC Rcd at 2024, ¶ 9. They only contend that the Commission committed to "reevaluate" (Sprint Comments at 6) or "adjust" (AT&T Comments at 2-3) the element in some unspecified way. But the Commission expressly stated that interest would be adjusted to "allow the recovery of interest on the unpaid amount" because "PSPs have not received full compensation for this period." *Third Payphone Order,* 14 FCC Rcd at 2636, n. 427. Clearly, the Commission intended the interest adjustment to enhance, not diminish, PSPs' recovery.

would be no four-month payment delay during the [Interim] period." Sprint Comments at 7 (emphasis added). Whether or not there "would be" a four-month payment delay in Sprint's ideal world, there was a payment delay in the real world of Interim Period compensation. Compensation paid during the Interim Period was delayed as long as or longer than in other compensation periods. *See* Attachment 1.

By ignoring this real delay, the *Interim Compensation Order* causes these perverse and unfair results: (1) it inconsistently applies a different rate of interest than what the Commission determined would be appropriate for other periods to address exactly the same payment delay; (2) it deprives PSPs of any interest for the four-month delay on the portion of Interim Period compensation that was actually paid by IXCs;[2] and (3) where an IXC is entitled to a refund for the Interim Period, it unjustly awards the *IXC* interest for its own payment delay. Therefore, the $.009 cost element must be reinstated.

In the event that the Commission decides not to reinstate the $.009 cost element in the interim compensation rate as applied to underpayments, the Commission

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[2] The *Interim Compensation Order* provides that interest applies only to the amount that IXCs *did not* pay – *i.e.*, the difference between the compensation originally paid and the compensation as adjusted. *Interim Compensation Order*, 17 FCC Rcd at 2031, ¶ 30. PSPs would recover no interest at all on the compensation that IXCs *did pay* during the Interim Period, despite the fact that such payments were made an average of 4 1/2 months after the compensable calls were completed. APCC Petition at 6. Thus, computing interest on the underpayment from an earlier stage of the billing process, as AT&T and Sprint suggest, would not adequately address the problem.

For example, suppose that on July 1, 1997 – the usual 4 1/2-months-delayed payment date -- an IXC paid a PSP $229 in Interim Period compensation for the first quarter of 1997, and that the allocation formula adopted by the Commission in this proceeding allocates 1,000 calls to the IXC as its share of the calls attributed to the PSP. At the $.229 rate, the PSP would be deemed to have "broken even" and would not be awarded additional compensation. But, because the $.229 rate does not include any (footnote continued on next page) should at least clarify that interest on underpayments begins to accumulate from the mid-point of the relevant quarter, to ensure that PSPs are compensated on average for the entire delay between the date that a call was made and the payment date. While this would deprive PSPs of interest on the 4 1/2-months payment delay with respect to the amount originally paid, it would at least provide interest for that delay with respect to the amount of the underpayment.[3] In any event, however, the Commission must reinstate an interest element for overpayments. In the case of overpayments (on which PSPs earn no interest) there is no other way to compensate PSPs for the payment delay that they actually incurred. Further, the IXC's interest on overpayments must be computed from the payment date, so that an IXC is not awarded interest for its own payment delay.

II. The Interim Period Call Count Is Based on Reliable Data

APCC agrees with the RBOC Payphone Coalition that, contrary to Sprint's petition, the PSPs' data on which the Commission relied in finding that Interim Period call volumes averaged 148 calls per payphone per month "had sufficient indicia of reliability."[4] IXCs have not provided the Commission with alternative evidence of calling averages

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interest element, the PSP would be deprived of any interest for the 4 1/2 months the PSP waited to receive the $229 that it was originally paid.

[3] AT&T and Sprint argue that interest should begin accumulating at the end of the quarter because a net lag of 30 days is "a standard commercial period for payment." AT&T Comments at 3; Sprint Comments at 7. The Commission correctly rejected AT&T's argument in the *Third Payphone Order,* noting that "firms that expect a one-month delay before receiving payment will price their goods accordingly, with the interest already built into the quoted price." *Third Payphone Order*, 14 FCC Rcd at 2630, ¶189.

[4] RBOC Payphone Coalition Comments at 12. While Sprint alleges that the sample in APCC's survey was small – averaging 5,089 phones per month -- Sprint has provided no evidence that the sample size is inadequate. In fact, the sample included payphones from 37 states and 116 area codes, suggesting that it is quite representative of varied payphone locations. *See* APCC's Dial-Around Calling Survey: 1997 Data, at 2 (filed Mar. 26, 1998).

during the Interim Period. Unlike the data used to derive the estimate of 148 calls, the data relied upon to derive the estimate of 131 calls, to which Sprint suggests the Commission revert, is not from the *Interim Period*.[5]

While Sprint impugns the objectivity of APCC's study, neither APCC nor any other party submitting data could know for certain how the data would be used. And in fact, the statistics submitted by APCC were used to support a *lower* estimate of payphone equipment costs based on coinless payphones. *Third Payphone Order* at 2618, n. 331.

Moreover, the $.238 (or $.229) rate is based on the Commission's findings that fixed payphone costs should be recovered equally by each of the 439 calls at a marginal payphone, including 142 dial-around calls. *Third Payphone Order* at 2612, ¶¶147, 151 (a marginal payphone has 439 calls, of which 32.4% are dial-around calls). Compared with this estimate of 142 calls at a marginal payphone, the estimate of 148 calls for the average Interim Period payphone appears low and arguably should be *increased*.[6] But if, as Sprint urges, the Commission *reduced* its estimate of average Interim Period call volume to 131, then the cost basis for applying the $.238 or $.229 rate to the Interim Period would be destroyed, and consistency would require the Commission to increase the interim compensation rate.

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[5] As for Sprint's attempt to resuscitate the RBOCs' proposal to set Interim Period payments equal to per-call payments from the period immediately after the per-call obligation commenced, that proposal is as ill-advised today as it was when originally proposed. *See* Letter to Dorothy Attwood, Chief, Common Carrier Bureau, from Albert H. Kramer and Robert F. Aldrich, March 26, 2001.

[6] In the same order the Commission relied on other RBOC data indicating that the average RBOC payphone had 155 calls. *Third Payphone Order*, ¶151.

III. THE COMMISSION SHOULD REQUIRE IXC-TO-IXC TRUE-UPS

The IXCs contend that APCC's request for IXC-to-IXC true-ups would multiply, rather than reduce, the number of PSP-to-IXC transactions (Sprint comments at 9), because "[i]f . . . IXC underpayments exceed overpayments, every PSP will still need to contact nearly every IXC to receive full compensation" (Worldcom comments at 8). While it is true that in *theory*, every PSP must contact every IXC, in *practice*, most of these theoretically required contacts will never take place. The real issue is not minimizing the number of transactions that are theoretically required, but ensuring that the largest possible percentage of total overpayments and underpayments actually *are* paid and recovered.

APCC's records indicate that only *one* IXC, AT&T, will be entitled to a net recovery of money for the Interim Period. If AT&T recovers its entire overpayment – say, $10 million -- from PSPs, then must recover that sum, in turn, from other IXCs, in hundreds of thousands of transactions in which the average amount recovered will not cover the collection cost.[7] Accordingly, a large percentage of the $10 million that PSPs must pay AT&T will be unrecoverable, as a practical matter, from other IXCs. By contrast, if AT&T recovers its payment directly from the other IXCs, far fewer transactions would be needed, and the average amount collected in each transaction would be far higher – an average of $33,000 per transaction if there are $3,000 IXCs. In short, IXC-to-IXC true-

[7] This will be true even though independent PSPs would be able to include recovery of the refund to AT&T with collection of additional IXC underpayments. *See* APCC Petition at 13 (showing that if 2,000 PSPs had to recover a much larger amount, $40.5 million, from 300 IXCs, the average recovery per transaction would be $67.50).

ups will maximize the amount actually paid and recovered, because more of the total over- and underpayments will be handled by transactions whose yield is worth their cost.

IXC-to-IXC true-ups would become even more attractive if the Commission accepts APCC's proposal to "wipe the slate clean" for independent PSPs, removing them from the Inteim/Intermediate Period true-up. The hundreds of thousands of PSP-IXC transactions would no longer be required, and there would be no need to address the difficult problem of identifying the correct "successor" PSP for the hundreds of PSPs that have sold out or gone bankrupt since 1996. Other aspects of the true-up would be simplified as well. Identifying the payer IXCs and their per-phone compensation obligations will be already taken care of when the Commission determines the allocation of adjusted Interim Period payments among IXCs. The only remaining tasks would be for IXCs to determine which payphones were eligible for compensation in the Interim Period, and the amount paid by the IXCs involved. Because only a few IXCs paid any compensation during the Interim Period, and most large IXCs used the same payment agent,[8] these issues should be relatively simple for the IXCs to work out among themselves – far simpler than working out the same issues, and more, with several thousand PSPs.

IV. THE COMMISSION SHOULD NOT PERMIT IXC "TAKEBACKS"

The IXCs also oppose APCC's request that the Commission prohibit IXCs from collecting claimed retroactive refunds by unilaterally "taking back" the amount claimed

[8] According to APCC records, only affiliates of the following IXCs paid any Interim Period compensation: AT&T, MCI/Worldcom, Sprint, Global Crossing, Qwest, AMNEX, GCI, Vartec, Communications Telesystems Int'l, and Telco Communications Group. The last five collectively paid less than $500,000 to independent PSPs. AT&T, MCI, and Global (Frontier) used National Payphone Clearinghouse as their payment agent.

from future compensation payments. The IXCs contend that such "takebacks" should be permitted because withholding payment is "a common business practice in both the wholesale . . . and retail markets" (AT&T at 4-5) and that prohibiting takebacks "would impose unreasonable risks of noncollection on IXCs" (Sprint at 11) even though the risks would be the same as those routinely faced by PSPs in requesting compensation from IXCs.

The IXCs' comments ignore the fact that the compensation relationship of PSPs and IXCs, as defined by the Commission's rules and orders, overturns the balance of power that characterizes a normal supplier-customer relationship. The anomalies and perversions in the IXC-PSP compensation relationship make unilateral takebacks inappropriate.

First, unlike the typical transaction where the supplier determines the amount of the bill (as when a LEC renders a bill to an IXC for exchange access), in the dial-around compensation relationship it is the customer – the IXC -- who determines the amount of the bill. Reasonable as it may be in the current environment, the Commission regulation that gives call tracking responsibility to IXCs puts IXCs in control of the billing process.

Second, the PSP-IXC relationship is not a consensual one. Although there are competitive means of accessing IXCs, PSPs are nonetheless required by law to provide access services to IXCs. 47 U.S.C. 226(c). While the typical supplier can choose to interrupt service if not fully paid, no FCC regulation or order authorizes the PSP to disregard the statutory blocking prohibition. In analogous circumstances, IXCs have asserted their right, as competitive suppliers to refuse service. *See AT&T and Sprint Declaratory Ruling re CLEC Access Charge Issues*, 16 FCC Rcd 19158 (2001). But in the dial-around process, PSPs as suppliers are effectively at the mercy of the IXCs.

Because IXCs hold all the cards in the payphone compensation relationship, they have little incentive to cooperate with PSPs in resolving billing disputes.[9] Some asymmetry in the relationship may be unavoidable as long as it is necessary for IXCs to track calls. But there is no such necessity when it comes to a true-up. Therefore, there is no good reason to allow the IXC's to control the billing process for retroactive compensation,[10] and there *is* a good reason to divorce the retroactive true-up from IXC-controlled ongoing compensation relationships. Requiring IXCs to treat the true-up separately will improve their incentive to produce the information necessary for PSPs to evaluate claimed refunds.

The Commission should not permit IXCs to collect retroactive refunds by subtracting the amount claimed from future payments. IXCs should be required to bill PSPs for the refund and pursue payment through ordinary means.

V. SMALL IXCs NEED NOT AND SHOULD NOT BE EXEMPTED

APCC agrees with other parties that that the inclusion of small IXCs in Interim Period compensation is neither unlawfully retroactive nor inequitable. As Worldcom points

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[9] APCC's experience with IXC offsets of dial-around compensation proves that it is not a sound practice to allow IXCs unilaterally to determine and "take back" a retroactive refund. In one recent instance, an IXC determined it had "overpaid" several hundred thousand dollars and, without any prior discussion with PSPs, offset the alleged overpayment against its current compensation payments. It required considerable time and effort before the IXC reversed the offset and made the payments it owed, plus interest for making the payments late, to the PSPs. Another IXC recently withheld more than $180,000 of its dial-around payment without any prior notice or explanation to the affected PSPs. To date, the IXC has not explained the offset, and the PSPs have had to threaten litigation in order to obtain information underlying the offset.

[10] The unilateral offset of dial-around payments by IXCs is tantamount to "self help", which the Commission has explicitly disfavored in the payphone context. *See Bell Atlantic-Delaware, et al. v. Frontier Communications Services, Inc. and Bell Atlantic-Delaware et al. v. MCI Telecommunications Corp.*, 14 FCC Rcd 16,050 (Com. Car. Bur. 1999), *aff'd* 259 F.3d 742 (D.C. Cir. 2001).

out, the Commission's rule requiring all carriers to whom completed calls were routed to compensate the PSP *was not* vacated by the court of appeals. 47 CFR 63.1300. Only the exclusion of small carriers was vacated. Thus, the rule that "spring[s] into effect" in this case requires all IXCs, *including small IXCs,* to compensate PSPs for every payphone call.

To show impermissible retroactivity, ITC DeltaCom must demonstrate, at a minimum, that a final Commission rule exempted it from paying compensation. *Bergerco Canada v. United States Treasury* 129 F.3d 189, 193 (D.C. Cir. 1997). Here, the court of appeals vacated the *not-yet-final* Commission rule seeking to establish such a right.[11]

VI. THE COMMISSION CAN AND SHOULD LIMIT INTERIM PERIOD PAYERS TO FACILITIES-BASED CARRIERS ONLY

APCC agrees with the RBOC Coalition and ASCENT that there is no need to involve resellers in the Interim Period true-up. The Commission has decided that it is appropriate prospectively to require facilities-based IXCs to pay compensation for calls that the facilities-based IXC routes to its reseller customers. Similar considerations justify the same decision here. Just as it has been extremely difficult to track down and exact payment from resellers during the per-call compensation period, it would be equally difficult to identify resellers that handled calls during the Interim Period, and to determine the percentage of dial-around calls they handled. Furthermore, the large facilities-based IXCs expected to pay compensation for the Interim Period and recovered their expected

[11] *See also Chadmoore Communications Inc. v. FCC* 113 F.3d 235, 240-241 (D.C. Cir. 1997). ITC DeltaCom's argument would lead to the absurd result that the very infirmity of the rule invalidated in *Illinois* – the exemption of small IXCs -- would *be* the rule. As ITC DeltaCom itself points out, the agency's action in *Bowen* was unlawful because the "net result was as if the original [unlawful] rule had never been set aside." Here, it is ITC DeltaCom that is arguing for such an unlawful result.

payments from customers, including resellers, during the Interim Period. *See* Comments of APCC (August 26, 1997); Colorado Payphone Association, Petition for Reconsideration (April 21, 1999) at 22-24. Arguably, resellers should not have to pay twice, the facilities-based IXCs are allowed to keep surcharges or rate increases collected from resellers ostensibly for the purpose of recovering Interim Period payments. ASCENT at 6-8.

VII. MONEY SHOULD NOT CHANGE HANDS UNTIL ALL COMMISSION AND COURT REVIEW IS COMPLETED

A number of IXCs or their representative have requested deferral of the effective date of the true-up. APCC agrees that the true-up implementation date should be deferred. While APCC believes that none of the IXCs' petitions for reconsideration have merit, the large number of arguments they have launched from various directions appears to guarantee that this matter will be litigated in court. Should one or more aspects of the Interim Period scheme be reversed after the true-up for the Interim and Intermediate Periods is under way, PSPs are likely to be left "holding the bag."[12] APCC therefore urges the Commission to rule that no money should change hands (whether through cash payment or IXC "takeback") for either period until all court appeals regarding the Interim Period have been resolved.

[12] This is particularly likely if the Commission does not require IXC-to-IXC true-ups. According to APCC records, AT&T will be claiming millions of dollars in refunds for the two periods, while other IXCs will owe millions of dollars in additional compensation payments. Given the asymmetry, there is a substantial danger that any court reversal will occur after AT&T has "taken back" its refund payments from PSPs, but before PSPs have managed to collect the additional payments owed by other IXCs.

Dated: May 13, 2002

Respectfully submitted,

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Attorneys for the American Public Communications Council

ATTACHMENT 1

Timing of Interim Compensation Payments to APCC Services, Inc.

APCC Services, Inc.'s records reflect that for the fourth quarter of 1996, AT&T's and MCI's initial payments were received on April 1, 1997, Sprint's was received on April 10, 1997, and LDDS's was received on May 12, 1997. Thus, the payment delay for even the quickest paying customers was 4 1/2 months. For the first quarter of 1997, AT&T's and MCI's initial payments were received around July 1, 1997 (a 4 ½ months delay), but Sprint's was delayed much longer. This pattern was repeated in the next two quarters, with AT&T paying on the usual 4 ½ month delayed payment date, and Sprint paying much later. For the second quarter of 1997, APCC records reflect that Sprint's initial payment for the second quarter of 1997 was received on December 9, 1997, nearly seven months after the average date that calls were placed, and that its initial payment for the third quarter of 1997 was received on April 13, 1998. A Sprint payment record for the second quarter 1997 payment cycle is also attached.

Produced: 12/02/97 @ 14:51:20

Program: pcrsumrp

Sprint Compensation Explanation Report

Owner: APCC APCC

Tax ID:

Process Quarter: 2Q97

Claim Quarter	Total ANIs Claimed	Interstate Calls Month 1	Interstate Calls Month 2	Interstate Calls Month 3	Intrastate Calls Month 1	Intrastate Calls Month 2	Intrastate Calls Month 3	Call Compensation Interstate	Call Compensation Intrastate	Per Line Claimed	Per Line Paid	Line Compensation Interstate	Line Compensation Intrastate	Total Compensation
2Q96	47,510													$9,074.89
3Q96	45,030													$12,317.86
4Q96	63,883													$158,879.71
1Q97	185,452													$99,905.52
2Q97	964,214	0	0	0	0	0	0	$0.00	$0.00	301,334	301,334	***,***.**	$0.00	1,283,682.84
														1,563,860.82

01-000-003619852 SPRINT 03225858

VOUCHER NUMBER	INVOICE NUMBER	PURCHASE ORDER	INVOICE DATE	AMOUNT	DISCOUNT	NET AMOUNT
015553	PPC000000000	TonyX7575	11-26-97	1563,860.82	.00	1563,860.8
		TOTALS		1563,860.82	.00	1563,860.

PLEASE DETACH BEFORE DEPOSITING

Sprint®

Sprint
901 E. 104th
Kansas City, MO 64131
816-854-5424

Paying Agents for Itself and Affiliates
Sprint International Communications Corp.
Consortium Communications International, Inc.
TELMEX/Sprint Communications, L. L. C.

56
4

3225858

THE FACE OF THIS CHECK HAS A COLORED BACKGROUND, NOT A WHITE BACKGROUND

DATE	CHECK NO.	NET AMOUNT
12/09/97	03225858	**1,563,860.

PAY
ONE MILLION AND
FIVE HUNDRED SIXTY THREE THOUSAND EIGHT HUNDRED SIXTY AND 82/100 DOLLARS

TO THE ORDER OF
AMERICAN PUBLIC COMMUNICATIONS
COUNCIL INC
10306 EATON ST #520
FAIRFAX, VA 22030

VOID AFTER 180 DAYS

Norwest Bank Van Wert, N. A.
Van Wert, OH. 45891
1-800-827-6535

M. Jeannine Strandjord
Authorized Signature

⑈3225858⑈ ⑆041203824⑆ 960000221⑈

Produced: 04/15/98 @ 12:36:10

Program: pcrsumrp

Sprint Compensation Explanation Report

Owner: APCC APCC

Tax ID:

Process Quarter: 3Q97

Claim Quarter	Total ANIs Claimed	Interstate Calls Month 1	Interstate Calls Month 2	Interstate Calls Month 3	Intrastate Calls Month 1	Intrastate Calls Month 2	Intrastate Calls Month 3	Call Compensation Interstate	Call Compensation Intrastate	Per Line Claimed	Per Line Paid	Line Compensation Interstate	Line Compensation Intrastate	Total Compensation
3Q96	26,819													$1,579.49
4Q96	36,362													$80,397.66
1Q97	38,001													$39,647.82
2Q97	26,232													$31,566.60
3Q97	947,258	0	0	0	0	0	0	$0.00	$0.00	301,424	301,424	***,***.**	$0.00	1,284,066.24
														1,437,257.81

VOUCHER NUMBER	INVOICE NUMBER	PURCHASE ORDER	INVOICE DATE	AMOUNT	DISCOUNT	NET AMOUNT
016122	PPC000000000	TonyX7575	04-10-98	1437,257.81	.00	1437,257.81
		TOTALS		1437,257.81	.00	1437,257.81

PLEASE DETACH BEFORE DEPOSITING

Sprint.

Sprint
901 E. 104th
Kansas City, MO 64131
816-854-5424

Paying Agents for Itself and Affiliates
Sprint International Communications Corp.
Consortium Communications International, Inc.
TELMEX/Sprint Communications, L. L. C.

56-382
412

3362484

THE FACE OF THIS CHECK HAS A COLORED BACKGROUND, NOT A WHITE BACKGROUND

DATE	CHECK NO.	NET AMOUNT
04/13/98	03362484	**1,437,257.81

PAY
ONE MILLION AND
FOUR HUNDRED THIRTY SEVEN THOUSAND TWO HUNDRED FIFTY SEVEN AND 81/100 DOLLARS

TO THE ORDER OF
AMERICAN PUBLIC COMMUNICATIONS
COUNCIL INC
10306 EATON ST 520
FAIRFAX, VA 22030

VOID AFTER 180 DAYS

VOID

Norwest Bank Van Wert, N.A.
Van Wert, OH 45891
1-800-527-6535

M. Jeannine Strandjord
Authorized Signature

⑈3362484⑈ ⑆041203824⑆ 960000221⑈

Sprint

903 East 104th Street
Kansas City, MO 64131-4509

April 16, 1998

Payphone Service Provider:

Enclosed is the dial-around compensation payment for the third quarter of 1997. We are currently processing the fourth quarter payment and expect to distribute the checks in about four weeks. Changing from a per-line calculation to a per-call calculation required us to develop a new system capable of processing the large number of payphone originated calls.

We are working diligently to complete the fourth quarter compensation. We will include interest calculated from April 1, 1998 to the payment date with your compensation. Again expect to receive the $0.284 per-call compensation in about four weeks.

Additionally, if you have more than 25 ANIs, please provide your ANI list to us on a diskette for future payphone compensation claims. We must manually key all paper compensation claims. This requires a substantial amount of time and contributes to the delay in processing compensation checks. Sending large ANI lists on diskette will help us pay you in a more timely manner.

Thank you for your assistance.

Sprint
Payphone Compensation Group
Mailstop: MOKCMW0501
903 E. 104th Street
Kansas City, Missouri 64131

CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2002, I caused a copy of the foregoing Reply of the American Public Communications Council to Comments on Petitions for Reconsideration to be sent via first-class mail to the following:

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